

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Felix Paul JECKLIN

Confirmation: 8576

Serial No.: 10/645,601

Group Art Unit: 3633

Filed: August 22, 2003

Examiner: CAJILIG, CHRISTINE T

For: **STRUCTURE, ESPECIALLY A SLOPE-SUPPORTING STRUCTURE AND/OR
NOISE-BARRIER STRUCTURE**

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Thomas P. Pavelko, am over the age of 21 years and make this Declaration based on personal knowledge;

1. I am aware of a Decision on Petition dated March 9, 2011, dismissing the Petition and requesting a statement from the Practitioner attesting to a search of the docket records and a copy of the docket record where the non-received Office Action would have been entered.

2. I am currently employed by Novak Druce + Quigg LLP ("Novak Druce") as an equity partner and have access to the Novak Druce docketing record.

3. At the time of the alleged mailing of the non-received Office Action on December 28, 2007, I was an equity partner at the firm Stevens Davis Miller and Mosher, LLP ("Stevens Davis") and was intimately familiar with their docketing system.

4. The normal procedure for handling all incoming USPTO mail was to send it directly to the docket clerk for docketing.

5. On or about January 31, 2008, Stevens Davis ceased doing business except for windup of its business.

6. On or about February 1, 2008, Mr. Peter Lalos and myself, among others, transferred our practice to Novak Druce.

7. All of the docketed cases belonging to any attorney transferring their practice from Stevens Davis to Novak Druce were transferred on or about February 1, 2008, and no further records exist at Stevens Davis.

8. I attach a copy as Exhibit 1 of one sheet of the docket record created at the time of transfer showing that application U.S. Serial No. 10/645,601 bearing the Stevens Davis docket number PNL 21352 was assigned the Novak Druce docketing number 8373.002.US0000.

9. I attach a copy of the Novak Druce docket record as exhibit 2 showing the history of this U.S. Application including both at the time it was pending at the firm of Stevens Davis as well as the current record of pendency of Novak Druce.

10. The docket record of paragraph 9 does not show any entry of the Office Action of December 28, 2007.

11. If the Office Action had been received by Stevens Davis it would have been docketed according to the Stevens Davis procedures then in place.

12. The absence of any record showing the Office Action of December 28, 2007, from the docket records of Novak Druce, although showing that the case was transferred between firms, assigned new docket numbers and carried forth all other docket information from the Stevens Davis firm leaves me with the unassailable opinion that the Office Action was never received by Stevens Davis.

11. Further Declarant Sayeth Not.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application nor any patent issuing thereon.

May 9, 2011
Date:


Thomas P. Pavelko

EXHIBIT 1

OLD ATTY DOCKET NO	SERIAL NO	PATENT NO	TITLE	STATUS	CLIENT	CREF	ATTY	Abacus Number
PNL21342	10/616,987	7,091,809	SEALING OF AN IGNITION COIL	ISSUED	AUDI AG		PNL	8369.945 USX
PNL21348	10/621,408		VENDOR SECURITY MANAGEMENT SYSTEM	PUBLISHED	FORTREX TECHNOLOGIES		PNL	8394.002 US0000
PNL21350	10/284,819	6,796,748	INDEPENDENTLY CONTROLLABLE MULTI-OUTPUT INSULATION BLOWING MACHINE	ISSUED	CERTAIN TEED CORPORATION		PNL	8371.905 USX
PNL21350CA	2,380,790		INDEPENDENTLY CONTROLLABLE MULTI-OUTPUT INSULATION BLOWING MACHINE	PENDING	CERTAIN TEED CORPORATION	2394-901	PNL	8371.002 CA0000
PNL21350EP	00967368.2		INDEPENDENTLY CONTROLLABLE MULTI-OUTPUT INSULATION BLOWING MACHINE	PUBLISHED	CERTAIN TEED CORPORATION		PNL	8371.002 EP0000
PNL21351	10/766,293	7,037,064	GRAPPLE ASSEMBLY FOR EXCAVATING MACHINES AND THE LIKE	ISSUED	ROCKLAND, INC.		PNL	8383.924 USX
PNL21352	10/645,601		STRUCTURE, ESPECIALLY A SLOPE- SUPPORTING STRUCTURE AND/OR NOISE-BARRIER STRUCTURE	PUBLISHED	O. K. ING FIEDLER		PNL	8373.002 US0000
PNL21353	11/604,295		CARTRIDGE FEEDING ATTACHMENT FOR FIREARMS	PENDING	ROCKLAND, INC.		PNL	8383.004 US0000
PNL21357	10/473,406		BALL JOINT	PUBLISHED	AUDI AG		PNL	8369.003 US0000

EXHIBIT 2

File No.: 8373.002.US00 Country: US
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Type: Utility - ORG Working Atty: PNL
Status: Pending Matter Entity Size: Small
Date Filed: 08/22/2003 Issue Date:
Appl. No.: 10/645,601 Patent No.:

Title: STRUCTURE, ESPECIALLY A SLOPE-SUPPORTING STRUCTURE AND/OR NOISE-BARRIER STRUCTURE

Publ. Date: 12/28/2006 Applicant:
Publ. No.: US 2006-0288657 A1 Inventor(s): Felix Paul Jaecklin
Priority Date: 09/04/2002 Agent:
Priority Appl. No.: DE 102 41 329.0 Agent Ref.:
Priority Country: DE
PCT Date : 08/23/2002 Client: O.K. ING.FIEDLER
PCT Appl. No.: DE 102 39 533.0 Client Ref.:

Activity	Description/Comments	Status	Date1	Date2
Amendment and Response to Final Office Action		Completed	11/13/2007	
Non-Final Office Action Received		Completed	05/02/2006	
Non-Final Office Action Response		Completed	06/16/2006	
Request for Reconsideration of Petition		Open: Docket Items	05/09/2011	
Status		Open: Docket Items	10/22/2011	
Notice of Abandonment Received		Completed	04/08/2009	04/10/2009
Decision on Petition Received		Completed	03/09/2011	03/11/2011
Status	3/11/11 rcvd Decision on Petition (Dismissed) 6/8/09 petition to revive filed.	Completed	03/16/2011	
Final Office Action Received	Final Office Action Received	Completed	08/10/2007	
Petition To Revive or Withdraw Holding of Abandonment	Petition To Revive An Abandoned Application	Completed	06/08/2009	
Request for Continued Examination (RCE) Filed	Request for Continued Examination (RCE) Filed	Completed	11/13/2007	
Response to Restriction Requirement - 1 Month	Response to Restriction Requirement	Completed	06/04/2007	
Restriction Requirement Received	Restriction Requirement Received	Completed	05/03/2007	

MatterID:

8373.002.US0000

Last Rev. Date:

04/07/2008